

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6034

BILL NUMBER: SB 104

DATE PREPARED: Nov 16, 2000

BILL AMENDED:

SUBJECT: Right to Pauper Counsel in Civil Actions.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: This bill eliminates the general duty of a county to provide an attorney for an indigent person in all civil actions.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Expenditure savings due to this bill are indeterminable. Courts reportedly are appointing their public defender staff or hiring outside counsel to represent indigent litigants in civil cases.

The 1999 Judicial Report shows that trial courts appointed pauper counsel in 87,870 cases. Of these cases, 1,993 cases, or 2.3%, were for cases other than criminal, juvenile, post conviction relief, or criminal appeals. These cases could include but are not limited to divorces, mental health competency hearings, probation revocations, and termination of parental rights. For CY 1999, the courts spent \$24 M for public defender staff, pauper attorney case by case, and other indigent expenses. If the courts spent 2.3% of its indigent defense budget for these other cases, then the estimated cost of legal representation for these types of cases would be \$650,000.

It is likely that this bill would permit the courts to not appoint indigent counsel for a certain number of civil cases involving indigent litigants. However, courts would likely still appoint counsel for indigent litigants in cases involving the taking of liberty from the indigent litigants (such as mental competency hearings).

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts

Information Sources: Larry Landis, Indiana Public Defender Council, Hon. Roland Chamblee, St. Joseph Superior Court, Hon. Thomas Hunt, Grant Circuit Court, 1999 Indiana Judicial Report.